

eleemosynary and other state purposes; providing a method for the retirement of such bonds; providing for an election thereon and prescribing the form of ballot.

To the Committee on Constitutional Amendments.

House Concurrent Resolution 149

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 149, Granting each House permission to adjourn from Wednesday, June 22, until Monday, June 27, 1949.

The resolution was read.

Question—Shall the resolution be adopted?

Yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—17

Aikin	Jones
Ashley	Kelly of Tarrant
Bracewell	Lock
Bullock	Moffett
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Vick
Hudson	

Nays—11

Bell	McDonald
Carney	Morris
Corbin	Phillips
Kelley of Hidalgo	Taylor
Lane	Tynan
Martin	

Absent

Colson	Weinert
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Absent—Excused

Moore

Recess

Senator Vick moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Proffer
Colson	Shofner
Cousins	Taylor
Hardeman	Vick
Harris	

Nays—11

Bell	Martin
Corbin	Morris
Hudson	Phillips
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Absent

Hazlewood	Weinert
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Absent—Excused

Moore

The Senate accordingly at 4:40 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-EIGHTH DAY

(Continued)

(Thursday, June 23, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore.

House Bill 84 on Passage to Third Reading

The President pro tempore laid before the Senate as unfinished business on its passage to third reading:

H. B. No. 84, Amending the Liquor Control Act.

The bill having been read second time on Tuesday, June 21, 1949, with an amendment by Senator McDonald, offered on Wednesday, June 22, 1949, pending.

Question—Shall the amendment be adopted?

(President in the Chair)

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the fol-

lowing vote:

Yeas—11

Aikin	McDonald
Bullock	Phillips
Hardeman	Shofner
Hazlewood	Tynan
Lane	Vick
Martin	

Nays—19

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lock
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Strauss
Hudson	Taylor
Jones	

Absent

Weinert

Senator Cousins offered the following amendment to the bill:

Amend Section 12 of H. B. No. 84 by adding at the end of said Section 12, the following:

"Sec. 57. (1) The Board or Administrator shall make and keep a record of the total number of Package Store Permits and Renewals thereof issued and in effect for all locations in each wet area in this State, which record shall during office hours be open to inspection by the public.

"(2). The Board or Administrator, from the effective date of this Act, shall not issue a greater number of Package Store Permits or Renewals thereof for locations in any particular wet area than there are issued and in effect in such particular wet area on the effective date of this Act, except as otherwise provided in this Section.

"(3). From and after the effective date of this Act, the Board or Administrator shall not grant any new or original application for a Package Store Permit for any new location in any particular wet area if the total number of Package Store Permits and Renewals thereof in effect in such particular wet area is in excess of one such permit to every two thousand (2,000) population, or major fraction thereof, according to the latest Federal Census; except as otherwise provided in this Section.

"(4). In the event any dry area in

this State may hereafter lawfully become a wet area, the Board or Administrator shall not issue for locations in such particular wet area a greater number of Package Store Permits than one to every two thousand (2,000) population, or major fraction thereof, of such wet area according to the latest Federal Census; except as otherwise provided in this Section.

"(5). The Board or Administrator, after a hearing and upon a finding at such hearing that the population of any particular wet area, according to the best estimates available to him, has so increased since the publication of the latest Federal Census that the total number of Package Store Permits and Renewals thereof then effective in such wet area is less than one per two thousand (2,000) of population or major fraction thereof, or that the demand of or convenience to the local traveling or transient public requires a greater number of Package Store Permits in such area than one per two thousand (2,000) of population or major fraction thereof, according to the latest Federal Census, may, in his discretion, grant the applications for such additional Permits as are necessary to serve the purpose of this paragraph, and shall use his discretion as to whom such permits shall be issued, and shall take into consideration the applicable provisions set out in Section 11 of Article I of the Texas Liquor Control Act.

"(6). After the effective date of this Section, if a wet area becomes eligible for additional Package Store Permits, the Board or Administrator, in granting or refusing an application for a Package Store Permit for a location in any such wet area, shall use its or his discretion as to whom such permit shall be issued, and shall take into consideration the applicable provisions set out in Section 11 of Article I of the Texas Liquor Control Act.

"(7). Notwithstanding the other provisions of this Section any wet area in this State shall be eligible for at least two (2) Package Store Permits, provided that hereafter in those wet areas where only two (2) Package Store Permits will be authorized, not more than one (1) original such Permit shall be issued to the same person, as defined in this Act."

Question—Shall the amendment be adopted?

House Bill 159 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 159, A bill to be entitled "An Act providing a standard measurement for gas (including natural and casinghead); defining a 'cubic foot of gas,' or a 'standard cubic foot of gas'; amending subsection (k) of Sec. 2 of Article 6008, R.C.S. of Texas of 1925 as heretofore amended, (such subsection (k) being that section of the Statutes defining a cubic foot of gas as applied to the production and use of natural gas), so as to substitute for the definition now contained therein the definition of a standard cubic foot of gas as defined in this Act; etc.; and declaring an emergency."

The bill was read second time.

(Senator Aikin in the Chair)

Senator Moffett offered the following amendment to the bill:

Amend House Bill No. 159 by striking out all below Section 4 and inserting in lieu thereof the following:

"Section 4a. It shall be the duty of the Railroad Commission of Texas and said Commission is hereby authorized, empowered and directed to determine the average temperature of gas, as produced in each oil and gas field in Texas, and to determine the other variable factors necessary to calculate the metered volumes in accordance with the Ideal Gas Laws and the variable factors to correct for deviation from the Ideal Gas Laws in each of the oil and gas fields in the State of Texas. Upon request of any interested party the Railroad Commission of Texas shall give notice and hold a public hearing before making such determinations. Promptly upon such determinations the Railroad Commission of Texas shall make and publish such findings and promulgate such reasonable field rules as may be necessary to effectuate the provisions of this Act.

"Any person, association of persons, or corporation shall be permitted to use the findings and field rules of the Commission for all purposes under this Act, but if such findings

or field rules are not so used in determining volumes under this Act, the volumes so otherwise determined shall be corrected to the basis of the 'standard cubic foot of gas' as defined in Section 2 of this Act.

"Section 4b. Any person required to report volumes of gas under the laws of this State as amended by Sections 3 and 4 hereof, shall report such volumes in number of standard cubic feet calculated and determined under the provisions of this Act.

"Section 5. Each and every sale, and each and every purchase, delivery and receipt of gas by volume hereafter made in this State, by, for or on behalf of an oil and gas lease owner, royalty owner thereunder, or other mineral interest owner, shall be made and such gas shall be measured, calculated, purchased, delivered and accounted for on the basis of 'a standard cubic foot of gas' as defined in Section 2, and as determined under this Act. Whenever the provisions of this Act operate to change the basis of measurement provided for in existing contracts, then the price for gas, including royalty gas, provided for in such contracts shall, if either the purchaser or seller so desires, be adjusted to compensate for the change in the method of measuring the volume of gas delivered thereunder. This provision is intended to protect parties to contracts now in existence, so that after this Act becomes effective the total amount of money paid for a volume of gas purchased, or required to be accounted for, under existing contracts shall remain unaffected by this Act.

"If the foregoing provisions of this Section 5, or any part thereof, shall be held by the courts to be unconstitutional or invalid then and in that event the remaining portions of this Act shall become ineffective and inoperative.

"Nothing in this Section shall affect or apply to purchases or sales made on any basis other than a volume basis.

"Any person, association of persons, or corporation who, as purchaser thereof, shall knowingly fail or refuse to so measure, calculate or account for any such gas so purchased, shall be subject to a penalty of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense recoverable in the name of the State in any District Court in Travis County, Texas,

and each day of such violation shall constitute a separate offense. But it shall be a defense to any claim for such penalty that the Railroad Commission of Texas has not made and published the findings provided for in Section 4a, as to the particular field in question.

"Nothing herein shall prevent an aggrieved party from maintaining a civil suit for damages in the county or counties in which the gas is produced.

"Section 6. Subject to the provisions in Section 5 hereof, if any part, section, sub-section, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the Courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have been enacted, and does here now enact, such remaining portions despite any such invalidity.

"Section 7. The fact that different measurement systems and standards for measuring gas are being used in Texas and the further fact that Texas has no mandatory standard measurement law for gas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and such rule is suspended hereby, and further creates an emergency requiring that this Act shall take effect and be in force ninety days (90) from and after its passage, and it is so enacted."

MOFFETT
LANE

The amendment was adopted.

(Senator Weinert in the Chair)

On motion of Senator Lane and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

(President in the Chair)

House Bill 159 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an executive session at 12:00 o'clock m. today.

Vote on Final Passage of House Bill 969 Reconsidered

Senator Cousins moved to reconsider the vote by which H. B. No. 969 was passed and to request the House to return the bill to the Senate for further consideration by the Senate.

The motion prevailed.

House Bill 84 on Passage to Third Reading

The Senate resumed consideration

of pending business, same being H. B. No. 84 on its passage to third reading, with an amendment by Senator Cousins pending.

Question—Shall the amendment be adopted?

Senator Martin moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Corbin	Moffett
Hardeman	Moore
Harris	Morris
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—4

Bullock	Phillips
Cousins	Strauss

Absent

Carney	Proffer
Colson	Taylor
Hazlewood	

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 84 by amending Chapter 467, House Bill No. 77, 44th Legislature, Second Called Session, as amended, by amending Article I, Section 12-a, Sub-section 3, by adding at the end of said section the following words:

"provided, however, that upon request, the permittee shall have the right to demand that the Administrator shall cause the personal appearance and testimony of all witnesses, at said hearing who expect to testify against the permittee, and said Administrator shall not enter an order suspending or cancelling said permit until or unless said witnesses are produced and shall have testified at said hearing. This shall be applicable on hearings for cancellation or suspension under both Articles I and II of this Act."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend H. B. No. 84, page 26, Section 8, by adding at the end of said Section the following:

"It shall be the duty of the Texas Liquor Control Board and its agents to see that said reports are made by said peace officers and, that upon conviction of the person or persons from whom such liquor was confiscated, the Texas Liquor Control Board shall take possession of all such confiscated liquors."

The amendment was adopted.

Senator Morris offered the following amendment to the bill:

Amend House Bill No. 84 by striking out on page 12, lines 5 to 10 inclusive.

The amendment was adopted.

On motion of Senator Bell and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 84 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Carney	Hazlewood
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—3

Aikin	Proffer
Martin	

Absent

Hazlewood	McDonald
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Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 23, 1949.

To the Senate of the 51st Legislature:

Please consider this my request to withdraw the name of E. V. Spence of Big Spring, Howard County, nominated as Chairman of the State Board of Water Engineers.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Interstate Compact Commissioner for a two year term:

E. V. Spence of Big Spring, Howard County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Request of Governor Granted

On motion of Senator Strauss and by unanimous consent, the request of the Governor for the withdrawal of the name of E. V. Spence of Big Spring, Howard County, nominated as chairman of the State Board of Water Engineers, was granted.

Senate Bill 498 on First Reading

Senator Hudson moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended

to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Bullock	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Weinert

Nays—1

Vick

Absent

Carney	Hazlewood
Colson	McDonald

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 498, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Senate Bill 391, Acts of the 51st Legislature of Texas, to secure the State against drainage of oil and/or gas by lease on lands not included in this law; providing for forfeiture and reinstatement of any lease for failure to drill and prosecute such drilling with diligence for the protection from drainage and for reinstatement of such leases at the discretion of the Commissioner of the General Land Office; providing for the forfeiture of the rights of the owner of the soil to act as agent for the State upon his failure to secure the drilling of the necessary wells for protection from drainage; providing for the reinstatement of the rights of any owner of the soil which may have ipso facto terminated under prior laws and making such reinstated rights subject to the terms of this Act; providing for the method of notice by the Commissioner of forfeited rights; providing for the sale of leases for oil and gas

upon forfeiture of the rights of the owner of the soil to act as agent for the State and reserving to the State 1/8th royalty under such sale and providing for the payment of equal bonus and rentals to the State and owner of the soil and for payment to the owner of the soil of one-half of all royalty above the reserved 1/8th; providing for the validity of remaining portions of this Act in the event parts thereof are held unconstitutional; and declaring an emergency."

To the Committee on Oil, Gas and Conservation.

House Concurrent Resolution 148

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

H. C. R. No. 148, Instructing the Enrolling Clerk of the House to strike out the words "fox, coon and/or squirrel" whenever they appear in H. B. No. 934 and insert in lieu thereof the words "fur bearing animal."

The resolution was read and was adopted.

House Bill 938 on Second Reading

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 938, A bill to be entitled "An Act to amend Section (f), Article XI, of H. B. No. 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, so as to state what the term 'carbon black' as used in said Act includes, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 938 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 938 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Carney	Phillips
Cousins	Proffer
Hardeman	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Colson	Hazlewood
Corbin	McDonald
Harris	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Carney	Hazlewood
Colson	McDonald
Corbin	

House Bill 599 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 599, A bill to be entitled "An Act amending Article 1577, R. C. S. of Texas, 1925, providing for the sale or lease of real estate owned by counties in the State of Texas; providing for and regulating the sale or lease of real estate embraced within or situated without county parks; providing that this Act shall be

cumulative of all laws of this State pertaining to the subject matter of this Act when not in conflict with this Act; repealing all laws and parts of laws of this State in conflict with this Act to the extent of such conflict only; providing for savings clauses; and declaring an emergency."

The bill was read second time.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend H. B. No. 599 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 1577 of the Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 1577. Sale or lease of real estate:

"Section 1. The Commissioners' Court may, by an order to be entered on its minutes, appoint a commissioner to sell and dispose of any real estate of the county at public auction. The deed of such commissioner, made in conformity to such order for and in behalf of the county, duly acknowledged and proven and recorded shall be sufficient to convey to the purchasers all the right, title, and interest and estate which the county may have in and to the premises to be conveyed. Nothing contained in this Article shall authorize any commissioners' court to dispose of any lands given, donated or granted to such county for the purpose of education in any other manner than shall be directed by law.

"Section 2. In lieu of the procedure provided for in Section 1 of this Article, and as an alternative therefor, the Commissioners' Court of any county in this State having a population in excess of forty-five thousand, according to the last preceding or any future Federal Census, which said county borders on the International Boundary between the United States of America and the Republic of Mexico, may elect, in the manner hereinafter provided for, to sell or lease any real estate, together with any improvements and appurtenances thereto, said procedure therefor to be governed by the following provisions:

"(a) The Commissioners Court of any such county may, by an order passed and entered of record upon a vote of at least three (3) of the four

(4) commissioners at any regular or special term of such court, authorize the sale or lease of any real estate, together with any improvements and appurtenances thereto, now owned or hereafter owned by any such county; provided, that any such Commissioners' Court shall, at the time of the passage of any such order, find and determine that such real estate is not needed or necessary to the use or public needs of such county; and provided further, that any such sale or lease of such real estate shall be made upon and for such consideration, terms and conditions as such Commissioners' Court shall determine and provide in said order.

"(b). The Commissioners' Court of any such county may, within its discretion, and in like manner, authorize the sale or lease of any real estate and/or any improvements and appurtenances thereto, in any one or more tracts or in lots or parcels thereof, as may be now owned or hereafter owned by any such county, which real estate is now or may hereafter be embraced within, or is lying adjacent to, or is contiguous to, any county park through which a stream may flow or which county park is bounded by or embraces the whole or any part of any stream, lake, dam or reservoir; provided, that any such sale or lease of any such real estate is found and determined by the Commissioners' Court of the county owning such real estate, and in which county any such county park is situated, to be in the public interest, and which sale or lease of real estate will not, within the discretion of any such Commissioners' Court, be detrimental to the public use of any such county park.

"(c) Any such sale or lease of real estate may, within the declared discretion of any such Commissioners' Court, be made at public auction or at private sale or lease, whichever method of any such sale or lease of any such real estate is found and deemed by any such Commissioners' Court to be most advantageous to the best interest of such county.

"(d) Whenever the sale or lease of any real estate is authorized by the Commissioners' Court of any such county in the manner herein provided for, the County Judge of such county shall execute a deed, or lease, as the case may be, under the seal of the Commissioners' Court, which deed or lease shall be made in conformity to

such order of the Commissioners' Court as hereinbefore provided, and attested by the County Clerk of such county, and duly acknowledged and proven under oath by said County Judge and County Clerk. Any such deed as so authorized and executed as herein provided shall be sufficient to convey to the purchaser or purchasers of said real estate all the right, title, interest and estate in and to the premises so conveyed as owned and possessed by such county conveying title to same; and, any lease of such real estate so authorized and executed as provided in this Act, shall vest in the lessee or lessees thereof the use and benefit of such premises so leased, in accordance with the terms, conditions and stipulations contained in any such lease, as may be authorized by the Commissioners' Court; provided, that no such lease of real estate shall confer upon any lessee or lessees any right to re-lease or rent or subordinate such lease without the specific authorization of the Commissioners' Court granting the original lease by order of such Commissioners' Court.

"(e) It is expressly provided in this Act that the proceeds of any funds from any sale or lease of any real estate which may be embraced within the boundaries of any county park, shall be utilized and expended by the Commissioners' Court of such county owning such county park, exclusively for the acquisition or purchase, and/or improvement, operation and maintenance of the county park or parks within such county in which such proceeds of sale or lease shall originate.

"(f) No provisions hereof shall authorize any Commissioners' Court of any such county to sell or alienate any lands given or donated or granted to any county for the purpose of education, in any manner other than that which is or shall be directed by law."

Section 2. This Act shall be cumulative of all laws and parts of laws of this State upon the subject matter of this Act, when not in conflict with the provisions of this Act, and, in case of any such conflict herewith, in whole or in part, the provisions of this Act shall be effective and shall take precedence and control.

Section 3. All laws and parts of laws of this State which are in conflict with the provisions of this Act are hereby specifically repealed only

in so far as such laws or parts of such laws are in conflict with the provisions of this Act.

Section 4. In the event any section, provision, clause, phrase, sentence or word, or parts thereof, contained in this Act should be declared unconstitutional or invalid or inoperative, then such holding or construction shall not affect the validity or application of the remaining sections, provisions and portions of this Act, but all the remaining sections, provisions and portions of this Act shall remain in full force and effect and shall be construed and enforced as if any such invalid, unconstitutional or inoperative provisions had not been contained herein.

Section 5. The importance of this legislation and the fact that in most of the larger counties bordering on the International Boundary between the United States of America and the Republic of Mexico, there is need for the exercise of broader discretion on the part of the Commissioners' Courts in the sale and lease of county lands due to the peculiar geographical location of such counties and the character of the public lands and improvements located therein which are different in many respects from those of inland and coastal counties which do not border on the International Boundary, and the crowded condition of the Calendars of both Houses of the Legislature creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House of the Legislature be suspended, and said Rule is hereby suspended, and that this Act shall take effect and shall be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend H. B. No. 599 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act amending Article 1577, Revised Civil Statutes of Texas, 1925, providing for the sale or lease of real estate owned by certain counties in the State of Texas; providing for and regulating the sale or lease of real

estate embraced within county parks in certain counties; providing that this Act shall be cumulative of all laws of this State pertaining to the subject matter of this Act when not in conflict with this Act; repealing all laws and parts of laws of this State in conflict with this Act to the extent of such conflict only; providing for a saving clause; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

House Bill 599 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 599 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Ashley	Hazlewood
Colson	Lock
Cousins	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Bell	Hudson
Bracewell	Jones
Bullock	Kelley of Hidalgo
Carney	Kelly of Tarrant
Colson	Lane
Corbin	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris

Phillips	Taylor
Proffer	Tynan
Shofner	Vick
Strauss	Weinert

Nays—1

Martin

Absent

Aikin	Hazlewood
Ashley	Lock

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Hardeman submitted the following report:

Austin, Texas,
June 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 18, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute do pass in lieu thereof.

HARDEMAN, Chairman.

C. S. S. J. R. No. 18 was read first time.

Resolution Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent, it was ordered that C. S. S. J. R. No. 18 be not printed.

Executive Session

At 12:00 o'clock m., the President announced that the hour previously agreed upon for an executive session had arrived.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Members of the State Board of Health for six year terms to expire June 12, 1955:

Dr. L. S. Oates of Center, Shelby County; Dr. O. B. Kiel of Wichita Falls, Wichita County; J. P. Burden of San Angelo, Tom Green County.

To be a Member of the Board of Trustees, State Employees' Retirement System for six year term to expire June 10, 1955:

Joe Fletcher of Austin, Travis County.

To be Members of the State Board of Plumbing Examiners for six year terms to expire May 28, 1955:

Frank White of Sweetwater, Nolan County; O. R. Walker of Lubbock, Lubbock County.

To be Members of the State Board of Pharmacy for six year terms to expire June 14, 1955:

Paul D. Carroll of Texarkana, Bowie County; Lee T. Stinson of Snyder, Scurry County.

To be Members of the State Board of Medical Examiners for six year terms to expire April 13, 1955:

Dr. H. L. Klotz of Austin, Travis County; Dr. W. C. Morrow of Greenville, Hunt County; Dr. R. L. Martin of Mount Pleasant, Titus County; Dr. Denton Kerr of Houston, Harris County.

To be Members of the State Board of Veterinary Medical Examiners for terms to expire Jan. 17, 1955:

Dr. J. M. Black, Jr., of Marshall, Harrison County; Dr. Valton V. Cox of Lubbock, Lubbock County; Dr. J. W. Dollahite of Marfa, Presidio County; Dr. Raymond G. Garrett of Taylor, Williamson County; Dr. Raymond Hander of Childress, Childress County; Dr. L. J. Lauraine of Gonzales, Gonzales County.

To be Interstate Compact Commissioner for a two year term:

E. V. Spence of Big Spring, Howard County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:40 o'clock p.m.

Committee Substitute Senate Joint Resolution 18 on Second Reading

Senator Bracewell moved to suspend the Senate Rule requiring Joint Resolutions to be read on three several days and that C. S. S. J. R. No. 18

be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Carney	Kelley of Hidalgo
Hazlewood	

The President then laid before the Senate on its second reading and passage to engrossment:

C. S. S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas creating the Texas Building Commission; providing for the issuance of bonds and for the purchase of necessary real property and the modernizing, remodeling, building and equipping of buildings for eleemosynary and other State purposes; providing a method for the retirement of such bonds; providing for an election thereon, and prescribing the form of ballot.

The resolution was read second time.

Senator Bracewell offered the following amendment to the resolution:

Amend committee substitute for S. J. R. No. 18 by striking out the words and figures "one and one-half (1½)" in Sec. 1 of the first paragraph on the second page of said committee substitute and insert in lieu the following words and figures: "two (2)".

The amendment was adopted.

Senator Bracewell offered the following amendment to the resolution:

Amend committee substitute for S. J. R. No. 18 by striking out the following words in Section 2 reading as follows:

"FOR the creation of a State Building Commission to construct, equip and maintain State eleemosynary and other public buildings and providing funds for the purpose"; and inserting in lieu the following:

"FOR the amendment providing for the construction and equipment of State eleemosynary and other public buildings and the method of financing the same"; and by striking out the words in Section 2 reading as follows:

"AGAINST the creation of a State Building Commission to construct, equip and maintain State eleemosynary and other buildings and providing funds for that purpose"; and insert in lieu thereof the following:

"AGAINST the amendment providing for the construction and equipment of State eleemosynary and other public buildings and the method of financing the same".

The amendment was adopted.

The resolution was passed to engrossment.

Committee Substitute Senate Joint Resolution 18 on Third Reading

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Nays—2

Hardeman	Martin
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Absent

Carney	Hazlewood
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Motion to Reconsider Vote on Final Passage of House Bill 777

Senator Morris moved to reconsider the vote by which H. B. No. 777 was

passed and to request the House to return the bill to the Senate for further consideration by the Senate and asked to have the motion to reconsider spread on the Journal.

House Bill 983 on Second Reading

On motion of Senator Tynan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 983, A bill to be entitled "An Act authorizing the Trustees of any School District as constituted after annexation of all or part of any other school district or other additional area or consolidation of any Districts or other alteration of same to call an election in such district for voting upon the assumption of bonded or other debt created prior to annexation or consolidation or alteration and the levy of taxes for the payment of same; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 983 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 983 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Carney	Kelley of Hidalgo
Hazlewood	McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Hazlewood	Weinert
McDonald	

House Bill 936 on Second Reading

On motion of Senator Hardeman, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 936, A bill to be entitled "An Act requiring all State Boards having State-wide jurisdiction to deposit all sums of money now in their hands or under their control and all sums of money that may be collected by them in the future into the State Treasury and to be expended as provided by law; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following committee amendment to the bill:

Amend House Bill No. 936, Section 1, by changing the period at the end of Section 1 to a comma and adding the following:

"and local and special funds of State Hospitals and Special Schools and the Texas Prison System."

The amendment was adopted by the following vote:

Yeas—17

Aikin	Harris
Bracewell	Jones
Bullock	Kelly of Tarrant
Colson	Lock
Cousins	Martin
Hardeman	Moore

Morris
Phillips
Taylor

Tynan
Vick

Nays—7

Ashley	Kelley of Hidalgo
Bell	Proffer
Corbin	Strauss
Hudson	

Absent

Carney	Moffett
Hazlewood	Shofner
Lane	Weinert
McDonald	

Senator Hardeman offered the following amendment to the bill:

Amend House Bill No. 936, Section 1, line 1, by striking out the words "That from and after the effective date of this Act" and inserting in lieu thereof the following: "Effective September 1, 1949."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 936 by striking out the last sentence of Section 1.

The amendment was adopted.

Question—Shall the bill be passed to third reading?

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Complying with the request of the Senate and approved by the House, I am returning herewith House Bill No. 969 to the Senate for further consideration.

June 22, 1949. The House has adopted the Conference Committee report on House Bill No. 642 by a vote of 85 yeas, 7 nays.

June 22, 1949. The House has adopted the Conference Committee report on House Bill No. 737 by a vote of 74 yeas, 34 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 412, A bill to be entitled "An Act to amend Article 2226, R. C. S. of Texas, 1925; and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act amending Article 4445, Section 3; and subsection 1, of Section 4, of the Revised Civil Statutes of Texas, 1925, providing for procedure in determining and treating persons infected with Venereal Disease, and those reasonably suspected of same by authorized health officers; repealing all laws in conflict with such sections of said Article as hereby amended; and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Wheeler County forfeited prior to August 1, 1941, and after January 1, 1941, where the lands have been improved by the present occupant to the extent of Three Thousand Dollars (\$3,000.00) or more, providing that the provisions of this Act shall not apply as to intervening rights of third parties; providing that payment of all principal and interest shall be made prior to reinstatement; and declaring an emergency."

H. B. No. 924, A bill to be entitled "An Act making an emergency supplemental appropriation out of the State Board of Architectural Examiners Fund to the State Board of Architectural Examiners; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act authorizing cities having a population in excess of 200,000 to transfer to their general fund and use for general or special city purposes such part of the revenues of any city-owned utility system as authorized or permitted in the indenture, deed of trust, or ordinance providing for and securing payment of revenue bonds issued under Articles 1111-1118, Revised Statutes, as amended; and declaring an emergency."

H. B. No. 609, A bill to be entitled "An Act authorizing the transfer of properties of union junior college dis-

tricts which have been abolished after a State supported senior college has been created within said district, to such senior college; providing for the dissolution of such district after bonded indebtedness has been paid; providing for the management of said district by the County Commissioners' Court for the purpose of paying off such bonded indebtedness; containing a severability clause; and declaring an emergency."

H. B. No. 855, A bill to be entitled "An Act making it unlawful to kill, take or attempt to take wild deer in the County of San Jacinto for a period of two (2) years; providing a penalty; repealing conflicting laws; and declaring an emergency."

H. C. R. No. 66, Granting D. C. Rogers, Jr., of Anahuac, Chambers County, Texas, permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 114, Granting permission to Clyde Rose of San Antonio, Bexar County, Texas, to sue the State of Texas and/or the Austin State School.

H. B. No. 474, A bill to be entitled "An Act amending Section 1, Section 2, Section 3, and Section 3a of House Bill No. 683, Chapter 206, page 364, Acts of the Regular Session of the 50th Legislature, authorizing the appointment by District Attorney or Criminal District Attorney of investigators or assistants and a stenographer in Judicial Districts composed of one or more counties and in which the population of any one of said counties, as determined by the last preceding Federal Census is not less than seventy thousand (70,000) and not more than two hundred and twenty thousand (220,000) inhabitants, and in which county there are two or more District Courts; etc.; and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act amending Article 1645a-5, Vernon's Annotated Civil Statutes, as amended by Acts 1939, 46th Legislature, Spec. L., page 594, Section 1, as amended by Acts 1941, 47th Legislature, page 844, Chapter 519, Section 1, providing for and fixing compensation for County Auditors in certain counties; and declaring an emergency."

H. B. No. 370, A bill to be entitled

"An Act defining the qualifications of the Superintendents of the Texas School for the Blind and the Texas School for the Deaf; providing for removal of same for good cause; defining good cause; making said Superintendents employees of the State Board of Control; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Section 7 of Senate Bill 125, Chapter 541, Acts of the 47th Legislature, Regular Session, 1941, relating to the appointment of guardians for persons for whom it is necessary to appoint guardians to collect funds from the State and/or Federal Government; making further and additional provisions for waiving court costs and fees in certain cases; providing a repealing clause, a savings clause; and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act to define the offense of encouraging or contributing to child delinquency and prescribing the punishment therefor, stating the definition of the term delinquent, fixing the jurisdiction of the court, authorizing the court to suspend any sentence imposed and to require a bond conditioned on the performance of conditions imposed by the court, and declaring an emergency."

H. B. No. 931, A bill to be entitled "An Act to validate the city charters, charter amendments, and ordinances and proceedings of city councils, including home rule cities, defining the boundaries of and annexing territory adjoining such city when such annexation has been authorized by a majority of the inhabitants qualified to vote for members of the Legislature in such annexed territory, limiting the time within which such acts may be questioned and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act providing means for owners of land in an incorporated city to remove said land from water district of which it is a part; and declaring an emergency."

S. B. No. 387, A bill to be entitled "An Act to create the State Budget Board; prescribing its powers, duties, and functions; making an appropriation; and declaring an emergency."

S. B. No. 139, A bill to be entitled "An Act appropriating monies out of

the General Revenue Fund to pay Deficiency Certificates issued by the Comptroller under Articles 1035 and 1036, Code of Criminal Procedure, 1925, for the State's fiscal year ending August 31, 1947 and 1948 and supplementing appropriations made for the payment of certain fees and expenses in the Judiciary for the appropriations made for the fiscal year ending August 31, 1948 and for the fiscal year ending August 31, 1949; and declaring an emergency."

S. B. No. 471, A bill to be entitled "An Act regulating fishing in Lake Texoma, permitting sale of certain rough fish; providing a penalty for violation hereof; repealing conflicting laws; and declaring an emergency."

S. B. No. 425, A bill to be entitled "An Act to amend Article 534 of the Penal Code of the State of Texas, as amended by Acts 1907, page 209; Acts 1918, 4th C. S., p. 125; Acts 1929, 41st Legislature, Chapter 103; and declaring an emergency."

S. C. R. No. 36, Relative to the appointment of a Committee of twenty-two (22) members to study the Water Laws and Rights of this State, etc.

H. B. No. 814, A bill to be entitled "An Act authorizing and empowering the Boards of Trustees or Boards of Regents of the several Texas Public Junior Colleges to erect and equip, and contract for the erection and equipment of any dormitories, cottages or stadiums to be self-liquidating from revenues earned from same, authorizing the execution of notes and bonds therefor, and providing in addition to revenues earned by said improvements to allow in the event of an emergency supplementing same from not exceeding twenty-five (25%) per cent of local funds and authorizing the respective Boards of said Institutions to do any and all things necessary to carry out the provisions of this Act; etc.; and declaring an emergency."

H. B. No. 969, A bill to be entitled "An Act to amend Title 82 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new Article entitled Article 5142C, providing for the establishment of a Juvenile Board in counties containing a population of not less than one hundred and ninety thousand (190,000) inhabitants, nor more than two

hundred and twenty-four thousand (224,000) inhabitants, according to the last preceding or any future Federal Census; etc.; and declaring an emergency."

H. B. No. 984, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended; providing for the appointment of county officers in certain counties; etc.; and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act to amend Article 6823, of Title 117, and all amendments thereto, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 905, A bill to be entitled "An Act repealing all local or special laws or parts thereof with reference to hunting or taking of deer in Williamson County; and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act providing for the forfeiture of charters of domestic corporations whose right to do business was forfeited by Secretary of State; preserving all franchise taxes and penalties and liens therefor accruing prior to forfeiture of charter; and declaring an emergency."

H. B. No. 846, A bill to be entitled "An Act to amend Section 1 (e) of Senate Bill No. 357, Acts of 1943, 48th Legislature, Chapter 295, page 436, providing for payment of an annual occupation tax and other maintenance fees, charges and taxes by Mexican insurance companies writing automobile accident and other insurance coverage in the State of Texas effective only in the Republic of Mexico, and providing for the making of annual adapted reports; repealing all laws and parts of laws to the extent of any conflict; and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act making it lawful to hunt wild deer with dogs in Polk County, Texas; repealing all laws in conflict herewith; providing a penalty; and declaring an emergency."

H. B. No. 944, A bill to be entitled "An Act authorizing the governing body of any city having a population

of not less than one hundred seventy-five thousand (175,000) inhabitants according to the last preceding United States Census to issue negotiable revenue bonds for the purpose of acquiring, purchasing, and installing air conditioning equipment in and for the municipal auditorium and/or municipal theatre owned and operated by said city, such bonds to be accrued solely by a pledge of, and payable from, the net revenues derived from the operation thereof; providing certain conditions relating to the issuance thereof; etc.; and declaring an emergency."

H. B. No. 977, A bill to be entitled "An Act to provide that no provision in Senate Bill No. 426, Acts of the 51st Legislature, Regular Session, 1949, shall be construed to repeal Article 6819a, Acts of the 49th Legislature, 1945, Chapter 200, page 271, nor any other law fixing other compensation for Judges of the District Courts or County Judges and provided that the compensation allowed County Judges in Senate Bill No. 426, Acts of the 51st Legislature shall not be counted as fees of office; and declaring an emergency."

H. B. No. 943, A bill to be entitled "An Act to amend Subsection B of Section 3 of Chapter 352, Acts of the Regular Session of the 50th Legislature, 1947, as amended, (Vernon's Texas Civil Statutes, Article 6228a); and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act repealing Senate Bill No. 278, Acts of the 51st Legislature, relating to the use of certain seines and nets on the waters of Caddo Lake and its tributaries in Harrison and Marion Counties; and declaring an emergency."

Adjournment

On motion of Senator Hudson, the Senate at 1:15 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, June 27, 1949.

Record of Votes

Senators Phillips and Corbin asked to be recorded as voting "nay" on the motion to adjourn.